

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q86486

Hidekazu KIMURA, et al.

Appln. No.: 10/525,840

Group Art Unit: 1795

Confirmation No.: 9912

Examiner: John S MAPLES

Filed: February 25, 2005

For: FUEL CELL AND PORTABLE DEVICE EQUIPPED WITH THE SAME, AND FUEL  
CELL OPERATING METHOD

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirement, dated November 28, 2008. In response to the Restriction Requirement, Applicant elects Group I, claims 1-20 for examination. This election is made without traverse.

The Examiner has also required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner indicates that claims 1-3, 9-12, 18-20 are generic. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS  
Attorney Docket No.:  
U.S. Application No.: 10/525,840

Applicant elects Species I for examination on which claims 1-6, 9-15 and 18-20 are readable.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 21 and 22.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Howard L. Bernstein/

---

Howard L. Bernstein  
Registration No. 25,665

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: December 24, 2008